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Attorneys for Plaintiff and Counterdefendant UM
CORPORATION and Counterdefendant GOLDEN
MEDIA GROUP, INC. and TIGA
ENTERTAINMENT COMPANY, LTD.

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

UM CORPORATION, a Japanese
corporation,

Plaintiff,

v.

TSUBURAYA PRODUCTIONS CO.,
LTD., a Japanese corporation,

Defendant.

Case No. 2:15-cv-03764-AB (AJWx)

**NOTICE OF MOTION AND
MOTION *IN LIMINE* NO. 1 OF
PLAINTIFF AND
COUNTERDEFENDANT UM
CORPORATION AND
COUNTERDEFENDANTS GOLDEN
MEDIA GROUP, INC. AND TIGA
ENTERTAINMENT COMPANY,
LTD. TO EXCLUDE OR LIMIT
EXPERT TESTIMONY OF LLOYD
CUNNINGHAM [Fed. R. Evid. 702]**

AND RELATED CROSS-CLAIMS

Hearing Date: October 20, 2017
Hearing Time: 11:00 a.m.
Courtroom: 7B

Pretrial Conf.: October 20, 2017
Trial: November 7, 2017

1 TO ALL PARTIES AND THEIR COUNSEL OF RECORD:

2 PLEASE TAKE NOTICE that on October 20, 2017 at 11:00 a.m., or as
3 soon thereafter as counsel may be heard in the courtroom of the Honorable Andre
4 Birotte Jr., United States District Judge, Central District of California, located at
5 Courtroom 7B, First Street Federal Courthouse, 350 W. 1st Street, Los Angeles,
6 California 90012, plaintiff and counterdefendant UM Corporation and
7 counterdefendants TIGA Entertainment Company, Limited and Golden Media
8 Group, Inc. will, and hereby do, move the Court *in limine* pursuant to Fed. R.
9 Evid. 702 for an Order excluding or limiting the testimony of Lloyd Cunningham,
10 designated by defendant and counterclaimant Tsuburaya Productions Co., Ltd.
11 (“TPC”) to provide expert testimony as to the authenticity of the signature of
12 Noboru Tsuburaya appearing on the March 4, 1976 License Granting Agreement
13 (the “1976 Agreement”) as follows:

14 (1) Mr. Cunningham’s testimony should be excluded in its
15 entirety because it is not based on sufficient facts or data, *see* Fed. R.
16 Evid. 702(b), and is not the product of reliable principles and
17 methods, *see* Fed. R. Evid. 702(c); or

18 (2) in the alternative, if Mr. Cunningham is allowed to
19 provide any testimony, his testimony should be limited as follows:

20 (a) Mr. Cunningham should be allowed to
21 testify only as to similarities and dissimilarities between
22 questioned signatures and the signatures on other
23 documents provided to him, but not as to the ultimate
24 conclusion whether the same person signed the 1976
25 Agreement and his “known” documents; and

26 (b) Mr. Cunningham should be precluded from
27 testifying as to the degree of certainty with which he has
28 reached any conclusion and, in particular but without

1 limitation, he should be precluded from using the nine-
2 level SWGDOC scale to express a degree of certainty.

3 This Motion is made on the grounds that: (1) according to the testimony of
4 TPC employee Kiyotaka (“Jimmy”) Ugawa given in Thai proceedings in 1998, as
5 of that time TPC had in its possession thousands of documents bearing Noboru
6 Tsuburaya’s signature, but TPC employees decided which signatures to provide to
7 a handwriting examiner; (2) in this lawsuit, Mr. Cunningham considered only 29
8 “known” signatures from Noboru Tsuburaya, and the parties to the lawsuit have
9 produced only about 58 documents bearing Noboru Tsuburaya’s signature; and (3)
10 as a result of TPC’s decision as to which documents bearing Noboru Tsuburaya’s
11 signature to retain and its destruction or discarding of thousands of documents
12 bearing Noboru Tsuburaya’s signature, Mr. Cunningham lacks the facts necessary
13 to support an opinion that the 1976 Agreement is not authentic because it bears
14 certain features that he did not find in his 29 “known” signatures.

15 This Motion is based on this Notice of Motion, the Memorandum of Points
16 and Authorities filed concurrently herewith, the Declaration of Jeffrey D. Wexler
17 filed concurrently herewith, the [Proposed] Order lodged concurrently herewith,
18 and any further evidence and argument as may be presented to the Court prior to or
19 at the hearing on this Motion.
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1 This motion is made following the conference of counsel pursuant to Local
2 Rule 7-3 which took place on September 6, 2017.

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4 Dated: September 22, 2017

MICHAEL CHIBIB, P.C.
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8 By: /s/ Jeffrey D. Wexler

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UM CORPORATION and
Counterdefendants GOLDEN MEDIA
GROUP, INC. and TIGA
ENTERTAINMENT COMPANY, LTD.